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**GOVERNMENT OF MANIPUR
SECRETARIAT : LAW & LEGISLATIVE AFFAIRS DEPARTMENT**

NOTIFICATION

Imphal, March 20, 2023

No. 2/8/2023-Leg/L: The following Act of the Legislature, Manipur which received assent of the Governor of Manipur on March 18, 2023 is hereby published in the Official Gazette:

**THE MANIPUR TOWN AND COUNTRY PLANNING (FIFTH AMENDMENT) ACT, 2023
(MANIPUR ACT NO. 6 OF 2023)**

An

Act

*further to amend the Manipur Town and Country Planning
Act, 1975 (No. 11 of 1975).*

Be it enacted by the Legislature of Manipur in the Seventy-fourth Year of the Republic of India as follows:

1. (1) This Act may be called the Manipur Town and Country Planning (Fifth Amendment) Act, 2023.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of the State of Manipur.

(3) It shall come into force from the date of its publication in the Official Gazette.

2. (1) After sub-section (1) of section 29 of the Manipur Town and Country Planning Act, 1975 (herein after referred to as Principal Act), the following clauses may be inserted, namely:-

Amendment
of section 29.

“(a) Within twelve months from the date of the declaration of intention to make a scheme under section 29, the appropriate authority shall make a draft scheme of the area in respect of which the said declaration has been made and published the same in the Official Gazette, along with the draft regulations for carrying out the provisions of the scheme:

Provided that on application by the appropriate authority in that behalf, the State Government may, from time to time, by notification, extend the aforesaid period

by such period or periods as may be specified, therein so however, that period or periods so extended shall **not in** any case exceed six months in the aggregate.

- (b) The Authority or the Chief Town Planner as the case may be appoint a Town Planning Officer to prepare the scheme as per the provisions under this Act.”.

(2) For sub-section (5) of section 29 of the Principal Act, the following shall be substituted, namely:-

“(5) After the declaration of the Scheme, no development of land shall be undertaken or carried out in the area under the scheme by any person or body of person except in the manner prescribed under section 29(1).”.

Amendment of section 32. 3. (1) For sub-section (2)(e) of section 32 of the Principal Act, the following shall be substituted, namely:-

“(e) The allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets, residentials, industrial and commercial activities, green belts and dairies, transport facilities and public purposes of all kinds.”.

(2) After sub-section 32(2)(k) of the Principal Act, the following sub-section may be inserted, namely:-

“(l) (a) Allotment of land from the total area covered under the scheme, to the extent of:

- (i) 15% (fifteen percent) for roads;
- (ii) 5% (five percent) for parks, play grounds, gardens and open space;
- (iii) 5% (five percent) for social infrastructure such as school, dispensary, fire brigade, public utility place;
- (iv) the reservation of land to the extent of 5% (five percent) or such percentage as near thereto as possible of the total area covered under the scheme, for the purpose of providing housing accommodation to the members of socially and economically backward classes of people [and of such other class of people as may be determined by the State Government]; and
- (v) 15% (fifteen percent) for sale by appropriate authority for residential, commercial or industrial use depending upon the nature of development provided that the percentage of the allotment of

land specified in sub-clauses (i) to (iii) may be altered depending upon the nature of development and for the reasons to be recorded in writing;

(b) the proceeds from the sale of land referred to in sub-clause (iv) of clause (a) shall be used for the purpose of providing infrastructural facilities; and

(c) the land allotted for the purposes referred to in sub-clause (ii) and (iii) of clause (a) shall not be changed by variation of schemes for the purposes other than public purpose;”.

4. For sub-section (1) of section 54 of the Principal Act, the following shall be substituted, namely:-

Amendment of section 54.

“(1) A person shall not be entitled to compensation under section 53 on account of any building erected on, or, contract made or other thing done, with respect to any land within the area included in a Scheme after the date of notification of the Scheme under sub-section (1) of section 29:

Provided that this sub-section shall not apply to any building erected, contract made or other thing done in accordance with the permission granted under section 26 or section 31 of this Act.”.

5. For sub-section (2) of section 55 of the Principal Act, the following shall be substituted, namely:-

Amendment of section 55.

“(2) If within six months of the notice under sub-section (1), ~~the land is not purchased or the State Government is not~~ requested to acquire it, the Scheme, in so far as that land is concerned, may be deemed to have been withdrawn and all notice and orders in that connection may lapse.”.

6. After Chapter V of the Principal Act, the following new Chapter V-A shall be inserted, namely:-

Insertion of a new Chapter V-A.

“CHAPTER V-A

SPECIAL PROVISIONS FOR LOCAL AREA PLAN (LAP)

35A. (1) Subject to the provisions of this Act or any other law for the time being in force, the appropriate authority may make one or more Local Area Plan for the development area or any part thereof, regard being had to the proposals in the final development plan, if any.

Preparation, sanction, etc. of local area plan.

(2) The Local Area Plans may be made in respect of any land which is a part of the sanctioned preliminary scheme or not. However, before making the Local Area Plan, the appropriate

authority shall publish in the Official Gazette, the boundaries of area for which the Local Area Plan is to be made and in the local newspapers:

Provided that for making the Local Area Plan in respect of any land which is not a part of the sanctioned preliminary scheme, the prior permission of the State Government shall be necessary.

(3) The Local Area Plan may provide provisions for any of the following matters, namely:-

- (a) define and provide for the complete road and street pattern for the present and in the future and indicate the traffic circulation;
- (b) lay down in detail the projected road and street furniture;
- (c) access, make projection for the future requirements of amenities, services and utilities such as transport, electricity, water, drainage, plantation and land scape;
- (d) prescribe in detail the foot print, height and building envelope, control over architectural features including elevation and frontage, numbers of stories, size of buildings, courtyard, pickup and drop off points, entry points to the basement, parking and such other requirement to integrate the building envelope in the vicinity;
- (e) indicate the phasing of the program of development and the cost of development and the share to be paid by each owner or the beneficiary;
- (f) assess the cost of works to be provided by the appropriate authority and the contribution of fees to be paid by different owners;
- (g) make such provisions as are necessary which are enumerated in clause (j) of sub-section (2) of section 32;
- (h) indicate in the plan and other document, the land which shall vest with the appropriate authority.

(4) The appropriate authority, after making the draft Local Area Plan, shall-

- (a) for the purpose of making the Local Area Plan call a meeting or meetings of the persons affected by the Local Area Plan, by a public notice and notices to the individuals whose addresses are known, and explain the contents of the Local Area Plan for inviting their objections and suggestions on the said proposal.

- (b) consider the objections and suggestions received under clause (a), and modify the plan as it thinks fit and publish it in the Official Gazette, inviting objections and suggestions from the person affected by the Local Area Plan within a period of thirty days.

(5) The appropriate authority may consider the objection and suggestions received under clause (b) of sub-section (4) and modify the plan if necessary and thereafter, the same shall be submitted to the State Government along with objections and suggestions; and its conclusion thereon.

(6) On receipt of the draft Local Area Plan under sub-section (5), the State Government may, by notification, -

- (a) sanction such local area plan with or without modification or subject to such conditions as it may think fit to impose; or
- (b) return the plan to the appropriate authority with directions as it may think fit; or
- (c) refuse to accord sanction.”.

7. After Chapter VIII of the Principal Act, the following new Chapter VIII-A shall be inserted, namely:-

Insertion of a new Chapter VIII-A.

“CHAPTER VIII-A

FINANCE FOR DEVELOPMENT SCHEMES

57A. (1) The costs of a town planning scheme shall include:-

Cost of development schemes.

- (a) all sums payable by the appropriate authority under the provisions of this Act, which are not specifically excluded from the costs of the scheme;
- (b) all sums spent or estimated to be spent by the appropriate authority in the making and execution of the scheme;
- (c) all sums payable as compensation for land reserved or designated for any public purpose or for the purposes of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme;
- (d) such portion of the sums payable as compensation for land reserved or designated for any public purpose or for the purpose of the appropriate authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public, as is attributable to the benefit accruing to the

owners of land or residents within the area of the scheme from such reservation or designation;

- (e) all legal expenses incurred by the appropriate authority in the making and in the execution of the scheme;
- (f) any amount by which the total amount of the values of the original plots exceeds the total amount of the values of the plots included in the final scheme, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme, with all the buildings and works thereon at the said date and without reference to improvements contemplated in the scheme other than improvements due to alteration of its boundaries; and
- (g) twenty percent of the amount of the cost of infrastructure provided in the area adjacent to the area of the scheme as is necessary for the purpose of and incidental to the scheme.

(2) If in any case the total amount of the values of the plots included in the final scheme exceeds the total amount of the values of the original plots, each of such plots being estimated in the manner provided in clause (f) of sub-section (1), then the amount of such excess shall be deducted in arriving at the costs of the scheme as defined in sub-section (1).

Calculation of increment. **57B.** For the purpose of this Act, the increments shall be deemed to be the amount by which at the date of the declaration of intention to make a scheme the market value of the plot included in the final scheme estimated on the assumption that the scheme has been completed would exceed at the same date the market value of the same plot estimated without reference to improvements contemplated in the scheme:

Provided that in estimating such value, the value of buildings or other works erected or in the course of erection on such plot shall not be taken into consideration.

Contribution towards cost of scheme. **57C. (1)** The costs of the scheme shall be met wholly or in part by a contribution to be levied by the appropriate authority on each plot included in the final scheme calculated in proportion to the increment which is estimated to accrue in respect of such plot by the Town Planning Officer:

Provided that-

- (i) where the cost of the scheme does not exceed half the increment or where it exceeds half the increment, to the extent of half the increment, it shall be met by a contribution and the excess shall be borne by the appropriate authority;

(ii) where a plot is subject to a mortgage with possession or to a lease, the Town Planning Officer shall determine in what proportion the mortgagee or lessee on the one hand and the mortgagor or lessor on the other hand shall pay such contribution;

(iii) no such contribution shall be levied on a plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is solely beneficial to the owners of land or residents within the area of the scheme; and

(iv) the contribution levied on a plot used, allotted or reserved for a public purpose or for the purpose of the appropriate authority which is beneficial partly to the owners of land or residents within the area of the scheme and partly to the general public shall be calculated in proportion to the benefit estimated to accrue to the general public from such use, allotment or reservation.

(2) The owner of each plot included in the final scheme shall be primarily liable for the payment of the contribution leviable in respect of such plot.

57 D. The amount by which the total value of the plots included in the final scheme with all the buildings and works thereon allotted to a person falls short of or exceeds the total value of the original plots with all the buildings and works thereon of such person shall be deducted from, or, as the case may be, added to, the contribution leviable from such person, each of such plots being estimated at its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the State Government under sub-section (1)(a) of section 29 and without reference to improvements contemplated in the scheme other than improvements due to the alteration of its boundaries.

Amounts to be added to or deducted from a contribution leviable from a person.

57E. Any right in an original plot which in the opinion of the Town Planning Officer is capable of being transferred wholly or in part, without prejudice to the making of a town planning scheme, to a final plot shall be so transferred and any right in an original plot which in the opinion of the Town Planning Officer is not capable of being so transferred shall be extinguished:

Transfer of right original to final plot or extinction of such right.

Provided that an agricultural lease shall not be transferred from an original plot to a final plot without the consent of all the parties to such lease.

57F. The owner of any property or right which is injuriously affected by the making of a town planning scheme shall, if he makes a claim before the Town Planning Officer within the

Compensation in respect of property or

prescribed time, be entitled to be compensated in respect thereof by the appropriate authority or by any person benefitted or partly by the appropriate authority and partly by such person as the Town Planning Officer may in each case determine: Compensation in respect of property or right injuriously affected by scheme:

right injuriously affected by development scheme.

Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the State Government under sub-section (1)(a) of section 29 without reference to improvements contemplated in the scheme, as the case may be.

Exclusion of compensation in certain areas.

57G. (1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provisions contained in the town planning scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection. Exclusion of compensation in certain cases.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a town planning scheme which imposes any conditions and restrictions in regard to any of the matters specified in clause (j) of sub-section (2) of section 32.

Provision for cases in which amount payable to owner exceeds amount due from him.

57H. If the owner of an original plot is not provided with a plot in the preliminary scheme or if the contribution to be levied from him under section 57C is less than the total amount to be deducted therefrom under any of the provisions of this Act, the net amount of his loss shall be payable to him by the appropriate authority in cash or in such other manner as may be agreed upon by the parties.

Provision for cases in which value of developed plot is less than the amount payable by owner.

57I. (1) If from any cause the total amount which would be due to the appropriate authority under the provisions of this Act from the owner of a plot to be included in the final scheme exceeds the value of such plot estimated on the assumption that the scheme has been completed, the Town Planning Officer shall at the request of the appropriate authority direct the owner of such plot to make payment to the appropriate authority of the amount of such excess.

(2) If such owner fails to make such payment within the prescribed period, the Town Planning Officer shall, if the appropriate authority so requests, acquire the original plot of such defaulter and apportion the compensation among the owner and other persons interested in the plot on payment by the

appropriate authority of the value of such plot estimated at its market value at the date of the declaration of intention to make a scheme or the date of a notification under sub-section (1)(a) of section 29 and without reference to improvements contemplated in the scheme; and thereupon the plot included in the final scheme shall vest absolutely in the appropriate authority free from all encumbrances but subject to the provisions of this Act:

Provided that the payment made by the appropriate authority on account or the value of the original plot shall not be included in the costs of the scheme.

57J. All payments due to be made to any person by the appropriate authority under this Act shall, as far as possible, be made by adjustment in such account with the appropriate authority in respect of the plot concerned or of any other plot in which he has an interest and failing such adjustment, shall be paid in cash or in such other manner as may be agreed upon by the parties.

Payments by adjustment of account.

57K. (1) The net amount payable under the provisions of this Act by the owner of a plot included in the final scheme may at the option of the contributor be paid in lump-sum or in annual instalments not exceeding ten.

Payment of net amount due to appropriate authority.

(2) If the owner elects to pay the amount by instalments, interest at such rate as is arrived at by adding two percent to the bank rate published under section 49 of the Reserve Bank of India Act, 1934, from time to time, shall be charged per annum on the net amount payable.

(3) If the owner of a plot fails to exercise the option on or before the date specified in a notice issued to him in that behalf by the appropriate authority, he shall be deemed to have exercised the option of paying contribution in instalments and the interest on the contribution shall be calculated from the date specified in the notice, being the date before which he was required to exercise the option.

(4) Where two or more plots included in the final scheme are of the same ownership the net amount payable by such owner under the provisions of this Act shall be distributed over his several plots in proportion to the increments which is estimated to accrue in respect of each plot unless the owner and the appropriate authority agree to a different method of distribution.

57 L. (1) The appropriate authority shall be competent to make any agreement with any person in respect of any matter which is to be provided for in a town planning scheme, subject to the power of the State Government to modify or disallow such

Power of appropriate authority to make agreement.

agreement and unless it is otherwise expressly provided therein, such agreement shall take effect on and after the day on which the town planning scheme comes into force.

(2) Such agreement shall not in any way affect the duties of the Town Planning Officer as described in Chapter V or the rights of third parties but it shall be binding on the parties to the agreement notwithstanding any decision that may be passed by the Town Planning Officer:

Provided that if the agreement is modified by the State Government, either party shall have the option of avoiding it, if it thinks fit.”.

NUNGSHTOMBIATHOKPAM,
Commissioner (Law),
Government of Manipur.